



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 28 2004

OFFICE OF PETITIONS

In re Application of

GREFENSTEIN et al.

Serial No. 08/987,775

Filed: December 09, 1997

Group Art Unit: 1773

Examiner: Krueger

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OFFICE OF PETITIONS

For: LAMINATED SHEETS OR FILMS AND MOLDINGS THEREOF

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Honorable Comm'r. of Patents
PO Box 1450
Alexandria, VA 22313-1450

PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The above-mentioned application was held abandoned for failure to timely respond to the Office action of January 3, 2003.

Applicants hereby petition to revive this unintentionally abandoned application. The required response was previously filed on September 26, 2003 (certificate of mailing) (copy enclosed) in the form of a response and Declaration. A check for \$1330 to cover the petition fee is enclosed. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

17/27/2004 HRL111 00000823 08987775

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In the present Declaration, I state the results of Gloss and Scratch Resistant Testing of Laminated Sheets as attached in the Appendix A.

Furthermore, during the course of the experimentation it was found that a top layer of styrene-acrylonitrile co-polymer leads to a high gloss and a high scratch resistance of the laminated sheets or films. This was found by carrying out the following experiment:

The first laminated sheet or film consisted of 950 μm ASA which was colored and 50 μm SAN top layer. A second laminated sheet or film consisted of 750 μm ASA which was colored, an inter layer of 200 μm SAN which was colored with effect colorants, and 50 μm SAN top layer.

These products could be co-extruded to laminated sheets or films at a temperature of 230°C without any problems. The gloss of these laminated sheets or films was significantly higher even than a corresponding laminated sheet or film having a PMMA top layer. The gloss at 20° was 99 for the laminated sheet or film containing the SAN top layer, whereas for a PMMA top layer the value was only 79. For an angle of 60° the gloss was 100 for the SAN top layer and only 87 for the PMMA top layer.

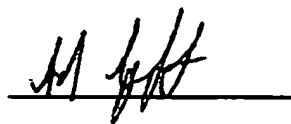
The sheets were tested with the AMTEC-Kistler-test which is usually employed in the automobile industry. This is carried out by treating black test moldings ten times with a brush and an aqueous washing detergent mixture containing 1.5 g/L sand. The gloss was determined before and after the treatment under an angle of 20°. Before the treatment, the gloss for the sheet or film with a SAN top layer was 99, whereas the sheet with a PMMA top layer was only 79. After the treatment according to the AMTEC-Kistler-test the gloss was ³²⁻³⁵34 for the SAN top layer and only ⁹⁻¹¹9 for the PMMA top



layer.

Thus, the additionally claimed laminated sheets or films containing the SAN top layer show an improved gloss and scratch resistance even when compared with the PMMA top layer. These laminated sheets or films containing the SAN top layer are not disclosed in any of the prior art references. Consequently, we hold the view that the claim directed to these laminated sheets or films is novel and inventive over the prior art references.

Signed at 67056 Ludwigshafen, Germany, this 9th day of Sep., 2003

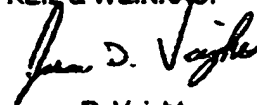
A handwritten signature in black ink, appearing to be 'M. J. H.', is written over a horizontal line.

Grefenstein et al.,

Serial No. 08/987,775

Respectfully submitted,

KEIL & WEINKAUF

A handwritten signature in black ink, appearing to read "Jason D. Voight", written over the printed name.

Jason D. Voight
Reg. No. 42,205

1350 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 659-0100
JDV/sb

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
GREFENSTEIN et al.

Serial No. 08/987,775

Filed: December 9, 1997

For: LAMINATED SHEETS OR FILMS AND MOLDINGS THEREOF



Art Unit: 1772

Examiner: Kruer

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Honorable Comm'r. of Patents
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DECLARATION UNDER 37 CFR § 1.132

I, Achim Grefenstein, Dr., a citizen of the Federal Republic of Germany and residing at D-67122 Altrip, Germany, declare as follows:

I hold a Ph.D. degree in Mechanical Engineering from the University of Aachen which was awarded in 1994. I am employed by BASF Aktiengesellschaft of 67056

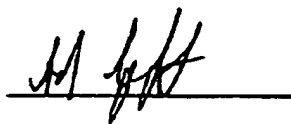
Ludwigshafen, Germany. In total, I have approximately 10 years experience in work relating to thermoplastic molding compositions and films and (co)extrusion thereof.

Therefore, I am familiar with the field to which the subject application relates. I am also familiar with the examiner's rejections of the claims of the subject application.

layer.

Thus, the additionally claimed laminated sheets or films containing the SAN top layer show an improved gloss and scratch resistance even when compared with the PMMA top layer. These laminated sheets or films containing the SAN top layer are not disclosed in any of the prior art references. Consequently, we hold the view that the claim directed to these laminated sheets or films is novel and inventive over the prior art references.

Signed at 67056 Ludwigshafen, Germany, this 9th day of Sep., 2003

A handwritten signature in black ink, appearing to be "M. J. H.", is written over a horizontal line.

Color difference diffuse 8° according to DIN53236
Resistance against Pankreatin according to DC-test PBODC 371

PMMA top layer	Trade name	Producer
PMMA inter layer	Lucryl	Formerly BASF
San	Lucryl	Formerly BASF
ABS	Luran	BASF
ASA	Terluran	BASF
ABS+PC	Luran S	BASF
ASA+PC	Bayblend	Bayer
	Luran S	BASF

Same results were obtained when the substrate layer contained $\frac{1}{8}$ % by weight of ^{titan dioxide} quartz-floc.



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In re application of

Achim Grefenstein et al.

Serial No. 08/987,775

Filed: December 09, 1997

For: LAMINATED SHEETS OR FILMS AND MOLDINGS THEREOF :

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DECISION ON
PETITION
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OFFICE OF PETITIONS

This is a response to the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT", filed January 21, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of January 12, 2004, for failure to timely file a proper response to the Office letter mailed January 03, 2003 be withdrawn. The petitioner asserts that applicants timely filed an Request for Continuous Examination (RCE) and Petition for Suspension on June 26, 2003.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee).

A review of the instant application file indicates that in response to the final rejection mailed January 03, 2003, the applicants did file the Request for Continuation (RCE) and Petition for Suspension on June 26, 2003. However, the request was not accompanied by a submission as correctly stated in the Office letter mailed October 09, 2003. An RCE must be accompanied by a proper submission (e.g., an amendment or an IDS or new arguments or new evidence in support of patentability) as required by 37 CFR 1.114. A petition for suspension of action is not considered as a proper submission under 37 CFR 1.114. In the instant application, because the RCE filed June 26, 2003 without a submission is improper, the Office will not recognize the request for suspension, and action by the Office will not be suspended. The time period set in the previous Office communication (i.e. a final Office action) continues to run from the mailing date (i.e. January 03, 2003) of the last Office action. Furthermore, the action cannot be



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suspended in an application which contains an outstanding Office action or requirement awaiting reply by applicant. See MPEP 709 B.

The holding of abandonment, set forth in the Notice of Abandonment of January 12, 2004 was proper and is maintained.

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The Petition is **DENIED**.

Omone

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

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